(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 3593 /2003

PETITIONER : Ram Kumar Salame, Son of Shri Balduram Salame, aged about 36 years, At/P.O. : Dongargaon, Tahsil : Dongargaon, Distt : Rajnandgaon (C G)

V E R S U S

RESPONDENTS : 1. State of Chhattisgarh through the Secretary, School Education Department, D.K.S. Building, Mantralaya, Raipur, Distt : Raipur (C G)

2. The District Education Officer, Rajnandgaon, Distt : Rajnandgaon (C G)

P. R. No. 3160/03
Presented by Shri Gautam Khobragade
dated 31.10.03

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

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(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 3593/2003 **सन्** 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13.02.2004

Petitioner by Miss Pritha Ghoshal, Advocate.

Shri Ranbir Singh, Govt. Advocate on behalf of the Respondents.

The main challenge in this writ petition is that vide order dated 17.7.2003 the petitioner has been suspended under Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 on the ground that petitioner was accused in an offence under section 306 of the Indian Penal Code and in compliance of the judgment dated 5.7.2003 passed in S.T.No. 38/2002 he was arrested on 5.7.2003. The petitioner was working as Assistant Teacher in the Primary School Bijapar, Block Churia, District – Rajnandgaon. Learned counsel for the petitioner submits that the sentence of conviction awarded by the trial Court has already been suspended by this Court vide order dated 11.7.2003 passed in Criminal Appeal No. 730/2003, therefore the suspension from service should be revoked.

There is no provision under the Rules for revocation of the suspension from service on the ground that the sentence of conviction awarded by the trial Court has been suspended in appeal. More over the petitioner has a right to file an appeal under Rule 23(3) of the Rules, 1966. Therefore the petitioner has alternative and efficacious remedy available under the law for redressal of his grievance by filing an appeal before the competent Authority. However, it is made clear that if the petitioner files an

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक wp/3593/2007 सन् 2007

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Thakur	appeal within a period of 30 days from today the limitation in filing appeal under the Rules, 1966 may not come in his way. In view of the above order the petition is dismissed with liberty to the petitioner aforesaid. Certified copy, as per Rules. **Sd/-** **L.C. Bhadoo** **Judge**	04